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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,960	12/31/2001	Andrew V. Anderson	42390.P9765X2	1569

			EXAMINER
8791	7590	11/13/2006	CHANKONG, DOHM

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ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/039,960	ANDERSON ET AL.
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 September 2006</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-22 and 26-38* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-22 and 26-38* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>9/5/06</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1> This action is in response to Applicant's amendment, filed 9.5.2006. Claims 1, 11, 18, 29,

34 and 36 are amended. Claims 1-22 and 26-38 are presented for further examination.

2> This is a final rejection.

Drawings

3> The drawings were received on 9.5.2006. These drawings are accepted.

Response to Arguments

I. APPLICANT'S ARGUMENTS HAVE BEEN CAREFULLY CONSIDERED BUT ARE NOT
DEEMED PERSUASIVE.

Applicant amends the independent claims to now cite that the profile information

includes a user's personal preferences for particular services and rules include limits on

carrying out particular functions for the user. It is noted here that the claim specifies

selecting one person to contact based on at least one of profile information and rules.

Therefore, the references need only teach either profile information or rules. Applicant's sole

argument contends that the prior art references, Cote and Carleton in particular, fail to teach

the newly amended limitation. Applicant's arguments are not persuasive for the following

reasons.

A. Cote teaches rules that include limits on carrying out particular functions for
the user.

As defined in Applicant's specification, rules comprise "limits concerning times

during the day when the user does not want to be bothered" [Applicant's specification, 0016].

Based on this disclosure, the Office submits that Cote teaches rules as claimed in the

amended independent claims. For example, Cote discloses "service-hours procedure [that]

allow the administrator to specify, in the settings, periods of time during which a notification

action is permitted to execute" [column 7 «lines 29-31»]. In other words, the administrator

may set limits concerning times of the day when the user does not want to be bothered [see

also, column 7 «lines 31-60»]. Thus, Cote discloses the rules as claimed by Applicant and as

defined within Applicant's specification.

> B.   Carleton teaches rules that include limits on carrying out particular functions
>   for the user.

As defined in Applicant's specification, rules comprise "limits on the manner in

which certain devices may be used in efforts to reach the user [and] limits concerning

times during the day when the user does not want to be bothered" [Applicant's specification,

0016]. Based on this disclosure, the Office submits that Carleton teaches rules as claimed. For

example, Carleton discloses that an administrator defines "[t]imes and days of the week

when each business rule applies" [0065] and "[n]otification methods for notifying each

person" [0067]. These notification methods include determining what devices to use in

efforts to reach the user [0009 : using email, phone to contact a user]. Thus, Carleton

discloses the rules as claimed by Applicant and as defined within Applicant's specification.

> C.   Horvitz teaches profile information including a user's personal preferences for
>   particular services and products.

Horvitz expressly discloses utilizing profiles [figure 1 «item 68»], the profiles include

"a plurality of message delivery options, priority settings and reminder settings" [0011] as

well as "do not disturb settings (e.g., do not interrupt me unless priority is very high) that are

active according to a user configured time" [0012]. Horvitz clearly discloses utilizing profile

information that includes a user's personal preferences for particular services, such as

notification services. Thus, Horvitz discloses the profile information as claimed by

Applicant.

II.   CONCLUSION

Based on the foregoing remarks, Applicant's arguments are not persuasive.

Applicant's amendments do not distinguish the claimed invention over the cited prior art

references. The claim rejections set forth in the previous action are maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4>   The text of those sections of Title 35, U.S. Code not included in this action can be

found in a prior Office action, see non-final rejection, filed 6.9.2006. Only those claims that

have been amended are formally addressed in this action.

5>   Claims 1-6, 8, 11-22, 26, 27, 29-32, 34 and 36-38 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Horvitz et al, U.S Patent Publication No. 2003|0046421, in view of

Cote et al, U.S Patent No. 6.021.262 ["Cote"].

6>   Regarding claims 1, 11 and 34, Horvitz discloses a method, a computer readable

medium comprising instruction and a digital assistant, e.g., computing device ("system",

hereinafter), comprising, steps, means and executable instructions for:

      receiving information of an event, (Fig. 1, Fig. 27);

      determining the level of importance of the event relative to a first person (¶ 9, 11, 14-15,

65);

      providing the digital assistant with access to a communications service provider such

that the agent selector is able to attempt to contact at least one person [Figure 41]; and

      if the event has level of importance greater than a first threshold, and a level of

importance that is below a second predetermined threshold, then taking action without

contact any person (the system employed threshold level for determining appropriate actions

to be taken, e.g., such as sending notification without contact any one when threshold level is

greater than 85 and less then maximum or send notification without contact any person

when threshold level equal or higher than 95 and equal or below maximum, Fig. 23-26; ¶ 17,

74-75, 83 and 105; threshold range Fig. 11-12, ¶ 11, 16, 69,74, 76-78, 90, 103, 105, 108-108, 110, 112, 25,

275-277 and 279-380; claims, 7, 8, 52, 70, 72-73, 80-83).

      Horvitz does discuss utilizing profile and profile information for the purpose of

storing user preferences with respect to particular services [0015]. However, Horvitz does not

explicitly disclose a system including a feature of selecting a plurality of persons to contact if

the level of importance is greater than or equal to a second threshold, wherein the agent

selector selects the one person and the plurality of persons to contact based on at least one of

profile information and rules provided by a user of the digital assistant.

In the same field of endeavor, Cote is directed towards a messaging system. Cote

discloses determining the level of importance of an event and comparing the level to a

predetermined threshold [column 4 «line 61» to column 5 «line 25»]. Cote further discloses

selecting a plurality of persons to contact and attempting to contact the plurality of persons

[column 6 «line 66» to column 7 «line 7»]. Cote also discloses an agent selector that selects

the one person (administrator) and the plurality of persons (staff members) based on at least

one of profile information and rules provided by a user of the digital assistant, the rules

including limits on carrying out particular functions for the user [column 7 «lines 8-27 and

43-60»]. It would have been obvious to one of ordinary skilled in the art at the time of the

invention was made to expand Horvitz's application with the ability to contact multiple

persons based on the priority of events taught by Cote. Cote teaches that such functionality

enables particular events to be routed to the appropriate member who can correctly handle

the event [column 7 «lines 24-27»].

7>   Claims 7, 9, 10, 28, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Horvitz-Cote, as applied to claims 1, 18, 29 and 34, and further in view of what was well

known in the art.

8>   Claims 1, 11 and 34 are rejected under 35 U.S.C § 103(a) as being unpatentable over

Sweeney et al, U.S Patent Publication No. 2002|0083168 ["Sweeney"], in view of Carleton,

U.S Patent Publication No. 2001|0044840.

9>   As to claims 1, 11 and 34 Sweeney discloses a method comprising:

providing a digital assistant having an event detector and an agent selector [0086,

0087];

receiving information of an event [0088];

determining a level of importance of the event relative to a first person [0136, 0200];

providing the digital assistant with access to a communications service provider such

that the agent selector is able to attempt to contact at least one person [Figure 1];

if the level of importance of the event is determined by the digital assistant to be

greater than or equal to a first predetermined threshold, and if the level of importance of the

event is determined by the digital assistant to be below or equal to a second predetermined

threshold, then selecting one person to contact and attempting to contact the one person

[0091, 0138, 0140, 0144]; and

wherein the agent selector selects the one person to contact based on at least one of

profile information and rules provided by a user [0147].

While Sweeney discloses first and second thresholds [0140, 0142], Sweeney does not

explicitly disclose a system including features of contacting a plurality of persons if the level

of importance is greater than or equal to a second threshold or selecting a plurality of persons

to contact if the level of importance is greater than or equal to a second threshold, wherein

the agent selector selects the one person and the plurality of persons to contact based on at

least one of profile information and rules provided by a user of the digital assistant.

10>   Like Sweeney, Carleton is directed towards an event monitoring system [abstract].

Carleton discloses selecting and contacting a plurality of persons based on the priority of an

event, wherein the selection of the plurality of persons to contact is based on at least one of

profile information and rules provided by a user of the digital assistant, the rules including

limits on carrying out particular functions for the user [0009, 0053, 0065]. Carleton discloses

the fact that events of higher priority can be handled by the appropriate group of people

(parties at higher levels of the organizational hierarchy) as a benefit of implementing an

escalation functionality based on the priority of the message [0086]. Thus, it would have

been obvious to one of ordinary skill in the art to modify Sweeney with Carleton's escalation

functionality to insure that higher priority events are appropriately handled by the correct

members of an organization.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

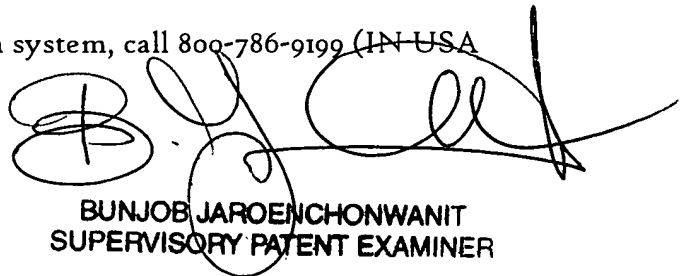mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942.

The examiner can normally be reached on Tuesday-Friday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

for unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on

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Representative or access to the automated information system, call 800-786-9199 (IN USA

OR CANADA) or 571-272-1000.

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER

DC